THE CANADIAN MIRROR

OF PARLIAMENT.

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HOUSE OF ASSEMBLY.

TUESDAY, July 13.

Pursuant to the order of the day the House went into committee upon the subject of the Lower Canada contested election.

Mr. RAYMOND was called to the chair of the committee.

Mr. NEILSON proposed his resolutions for the adoption of the committee. [See MIRROR of June 30.]

Mr. NEILSON in proposing these resolutions observed that it was perfectly unnecessary for him to enter into the discussion of this dry law question. There were many hon. members in that house better acquainted with subjects of this nature than himself. His sole object, and he had from the first avowed that object, was to obtain justice for the petitioners, and he was sorry to say that too much delay had already occurred. He did not find fault with the house or with any of its members, but in a matter of this kind (said the hon. member,) I apprehend that a decision might have been had long ago. It will be observed that this is not a simple petition against the return of an individual member, but it is an address to the house generally upon the subject of alleged violence committed at the election in the district of Montreal. In consequence of the doubts which have existed respecting the law which regulates the elections in Lower Canada, petitions have been presented to this house, and those petitions have been presented under the supposition that that law was not in force. This supposition is justified in my humble opinion, and I believe the house will bear me out in that opinion. The Governor of the Province and the Executive Council had admitted that this is the case, an ordinance having been passed in Lower Canada with a view of remedying the defect. This house by receiving the petitions and ordaining the mode for taking them into consideration, have also admitted that this is the case. That so large a portion of the inhabitants of this Province should be deprived of having representatives of their free choice is a deplorable circumstance. The electors of this country should have full liberty of exercising their elective franchise, free from violence and intimidation. (Hear, hear.) Hon. gentlemen will recollect that the Throne of England has been supported on this principle, the present Royal Family ocupy the throne in consquence of maintaing the freedom of elections, (hear, hear. The constitution of Great Britain would long ago have been annihilated had not the freedom of elections been preserved. Without this, the privilege of having a representative form of government is but a solemn mockery: it is ridiculous to pretend to take the sense of the people through their representatives when the people are not permitted freely to exercise their elective franchise. I have every confidence that this house will not refuse the petition of 150,000 electors, and that they will redress their wrongs, if they believe they have been aggrieved. I shall express no opinion upon the subject, I stand here as a Judge in this matter; the decison of the house upon the the first resolution will determine the question, whether the house will proceed to determine upon the common law usages or whether they hold the law of elections to be in force.

Mr. CHRISTIE rose and addressed the Committee. It had been said on a former day that the adoption of such resolutions as those now submitted by the hon. Member from Quebec, was not necessary—that there was a certain law in force which regulates the proceedings in cases of contested Elections. This proposition involves a question of law. He (Mr. Christie) had looked into the law relating to the subject, and he was prepared to state to the Committee the result of his research, and the conclusion which he had arrived at in consequence of that research. He had found that the contested Election Act had been originally passed in the year 1808. That Act was continued and amended by divers Acts of Parliament until the year 1834. In that year, by a separate Act, this law was continued for two years, and from thence to the end of the ensuing Session of the Legislature.

This act having been passed by the three branches of the Legislature, was sent to England and laid before the King in Council. It was disallowed within two years from the time of its being passed. The disallowance of this act had the effect in his (Mr. Christie's) opinion of placing the former enactment, which the disallowed act in part repealed, in the same situation as if the subsequent act had never existed—the previous act was revived.

The act of 1834 declared that it should remain in force for two years, and from thence to the end of the next session of the Legislature. Now he believed it would be allowed that no session had taken place since 1836 until the present session of the united Legislature. It was true the Legislature had met, but no act was done which would constitute a session—no act had passed the three branches, and he believed it was perfectly understood that unless an act were passed or a judgment given, it could be no session. His own opinion was that the former law was revived, and he considered that the present House were bound to proceed upon it in the investigation of the election trials. He was ready to listen to the arguments and opinions of hon. gentlemen who were conversant with the subject, and if he should find that he was wrong, he would turn round, (hear, hear.) At all events he believed it was incumbent on this house to enter into the investigation. It was expected by the country, and unless they did so the country would not be satisfied, (hear, hear.) He felt some regret in differing from many of his friends on this question, but unless he heard such arguments as would convince him that he was wrong, he felt bound to act upon the views which he had taken of the matter, and vote against the resolutions.

Mr. BALDWIN said that as he had been one of those who, when the subject was laid before the committee, had desired that there should be a postponement of its consideration, to be enabled to examine the law upon the subject, and to consider the powerful arguments used by the hon. gentleman from Port Neuf, he felt it to be due to the committee on this occasion that he should take an early opportunity of expressing the result of his considerations upon the subject. It was a subject, as had been well observed by the hon. member from Quebec, of grave importance. The consideration whether the law in question was in operation or not, was one which would be attended with deep and important results. One effect which was likely to be given to this decision was the disfranchisement of a large number of electors, assuming the facts which were set forth in the petition to be true. And without pretending at present to prejudge those facts, which he would be as far from doing as any hon. member of that house, he believed they were bound to consider that the facts are true, as far as this question was concerned. The result therefore of the views of some hon. gentlemen would be the virtual disfranchisement of 150,000 of the electors of this Province, upwards of one fifth of the population. The decision of the present question is to determine whether this large portion of the Province is to be not only unrepresented but misrepresented. (Hear, hear.) It is precisely as if the Parliament of England were to enter into the question of the disfranchisement of five millions of the subjects of Great Britain. The proceeding would be precisely similar. When such are the consequences of a decision upon this question, it will not be over-estimating its importance when I express the deep responsibility which I feel in giving expression to my views upon the subject. It will be necessary to refer to the origin of the difficulty in which this question is involved. Is it pretended that the petitioners have wontonly disregarded the law? Is it pretended that they have endeavored to evade the law? far from it; they have uniformly expressed their readiness to acquiesce in the law. (Hear, hear.) The difficulty—assuming that a difficulty does exist, has arisen from a mistake, a misapprehension. It is a mistake into which not only the people of Lower Canada have fallen; but also both houses of the legislature; and the representative of the Sovereign himself. By turning to the Journals of the Legislature of Lower Canada it will be perceived, that the meeting of that legislature in 1836 was called a session by both houses, and also by the representative of the Sovereign. Therefore if it be a mistake, it is one to which all are parties; and considering that this is the nature of the mistake, I certainly had hoped as I ventured to expres on a former occasion that those hon. gentlemen, in whose keeping, the honour of th Province has been placed, would long er this, have come down to this house with Bill to relieve us from this difficulty.—However little confidence I have in som of those hon. gentlemen, I have at lea some confidence in others among them, an I certainly think that I had—that this hous had—that the country had, good reason t expect this from those hon. Gentlemen. allude more particularly to the hon. gentle man from the City of Toronto, (Mr. Dunn who I perceive has shifted his place to-day (A laugh.) These gentlemen one and a

of them owe it to the house and to the representative of that Sovereign whose sevants they are and to the country, and they owe it to themselves, that they should have prepared such a measure. I have expected it at their hands; but I have been disappointed; this house has been disappointed. It is now said that if a measure were now passed it would be an *ex post facto* law; this is the excuse under which those hon. Gentlemen shelter themselves. There is no denying that it would have been an *ex post facto* law; but is it not better to dispense with a mere technical objection, rather than involve the most important rights which can be exercised by freemen, in so serious an embarrassment. Some of those hon. gentlemen who are so tenacious respecting the adoption of an *ex post facto* measure have not always been so scrupulous. If we look at the records of Parliament of Upper Canada as well as of Lower Canada, we shall find cases of *ex post facto* laws having been passed, and I do not think the hon. and learned gentleman from Russell can demonstrate to this house, that on any occasion he protested against them. I find that hon. gentleman was not backward in passing an act to enable the chartered banks to suspend specie payments. (Mr. Draper. I was not then in the house.) The hon. gentleman would scarcely have voted against it, (order, order,) but to come to matters of more importance; I find that hon. gentleman was quite ready to assist in passing a law relating to the trial of criminal offences, committed before the passing of that act, the most high-handed measure perhaps that was ever carried into effect in any colony. I am not attributing this as a crime to the hon. gentleman; I only say that there have been measures equally entitled to be characterised as *ex post facto*? and they were certainly of greater moment as regards the principles of ex post facto legislation, than the one which I now claim at their hands. If we turn to that august body the Specil Council we shall find that it has not been one whit behind. (Hear, hear.) Here Mr. Baldwin pointed out several of the ordinances of the Special Council.

The hon. and learned gentleman the Attorney General for Lower Canada has told us that it is not the intention of the government to bring in any measure for the purpose required, and I confess that I am disappointed.—From this declaration, I am bound to believe that no measure is requisite, because according to the new system of government under which those gentlemen act, we must suppose they have the confidence of this house and the country. Educated as I have been both professionally and politically with a deep reverence for the laws of my country, it is out of my power to say that is law which I do not believe to be law. Therefore, if I come to the conclusion that in point of fact the act of parliament to which I have alluded is the law of the land, however it may grieve me to give such a vote—however I may mourn over the necessity of giving it, I shall nevertheless be under the necessity of giving it (hear, hear). The hon. gentleman from Gaspe has referred to different statutes regulating contested elections; the hon. gentleman must be aware that the provisions of these statutes are contained in the Act of Union. I have listened to the arguments stated on a former occasion by the hon. and learned gentleman from Port Neuf, but they do not afford me sufficient grounds for concluding that the law of 1834 is not in force. The question is, what is the effect of the disallowance of the latter statute, of course if the effect was a repeal of that statute, it would leave the former one in force. The hon. and learned gentleman then entered into the legal construction to be applied to the operation of the disallowance of the act, in contradistinction to the repeal of a statute. It appeared to him (Mr. Baldwin) that the intention was to reserve to the crown a negative on all acts of the Provincial Legislature, (hear, hear,) if therefore the construction put upon it by the hon. and learned gentleman from Port Neuf would interfere with this object, it appeared to him (Mr. Baldwin) it would hardly be a fair construction to put upon the act.

While therefore he (Mr. Baldwin) did not by any means admit that the view taken by his hon. and learned friends from Port Neuf (Mr. Aylwin) and Montmorency (Mr. Quesnel) was one which could be so easily disposed of as seemed to be imagined by some hon. gentlemen the other day, he had felt it due to his hon. friends and to that house to state the reasons why he was not prepared to adopt that view as the ground upon which to vote upon the present occasion. There was, however, another view of the subject to which he (Mr. Baldwin) would beg leave to call the attention of hon. gentlemen: it was a well understood and established rule in the construction of statutes that all such acts as relate to the same subject, or in the technical language of the profession, are in *pari materia*, are to be construed with reference to each other. Where, therefore, a term is used in a given sense in one of such statutes, it is to be presumed that the legislature when they used the same term in another of them, meant to use it in the same sense. That the 48 Geo. 3d, c. 21, the first and principal of the acts which it is contended were in force at the time of the suspension of the constitution of Lower Canada by the Imperial act of 1 & 2 Vic. c. 9, and which if then in force is clearly continued by the Union act to this day, enacts in its first section, "That no petition complaining of an undue election or return of any member shall be receivable unless the same be presented to the house within 14 days after the first *meeting of the legislature* ensuing the election and return complained of." Assuming then for the present purpose the correctness of the distinction contended for the other day by the hon. and learned member from the city of Quebec (Mr. Black), between a mere meeting, a convention, and a session of Parliament, the legislature of Lower Canada had in this instance at all events, by the very terms they used, distinctly provided that petitions complaining of undue elections should be presented within 14 days after the first *meeting of the Legislature*, whether such meeting should ultimately prove a *session* (in actual sense) or not; and it was obvious from the reason of the thing as well as from the words used by the statute that such was the real intention of the legislature; unless indeed hon. members were prepared to contend that the terms "*meeting of the Legislature*" which he had quoted from the act, were to be confined to *such meetings* only as should become regular *sessions*. The consequence of which construction would necessarily be that although there might be a *meeting of Parliament* lasting 20 or 30 days, and affording, therefore, ample time for the receiving all complaints of undue elections, unless a bill was passed, or judgment pronounced, so as to convert such *meeting* into a *session* in the technical sense of the term, it would be equally open to parties to petition against elections and returns within the first 14 days of a *subsequent* meeting as if such *first* meeting of Parliament had never been held at all—a conclusion to which he (Mr. Baldwin) presumed hon. members were not prepared to come. He therefore felt justified in interpreting the words "*meeting of the Parliament*" in the first part of that section of the act to mean any *coming together* of the Legislature which would afford an opportunity for such complaints to be made, without reference to whether it should or should not assume the character of a "session"—and this he had no doubt would be concurred in by all who heard him. He (Mr. Baldwin) would now direct the attention of hon. gentlemen to the concluding part of the same section, and they would find it provided "that whenever the matters contained in such petition cannot be fully heard, tried, and adjudged at the *same session* of Assembly in which the same were begun, that the same may be continued and taken up, heard, and adjuged upon at the next meeting of the House of Assembly, in the same manner as if no prorogation had taken place." He (Mr. Baldwin) took it for granted that it would be admitted that the term "Session" in the proviso must be held to refer to any mob "Meeting of the Legislature" as is spoken of in the earlier part of the clause, as, if not, it would manifestly leave parties without remedy in the very cases most requiring the protection of such a provision—as where petitions had been presented during a short and abortive Meeting of the Legislature, when there had not been time to dispose of them, and which would, in effect, place it in the power of the Executive Government by the exercise of the prerogative of prorogation to preclude inquiry altogether. He (Mr. Baldwin) thought, therefore, that he had established (at least to the satisfaction of his own mind he had done so) that the Legislature had in the Act of Parliament, which was the basis of the whole code for the trial of their contested Elections, used the term "*Meeting of the Legislature*" to mean *any Meeting* of such Legislature, and that they had also in the same Act applied the term "*Session*" to *any such Meeting*. The Legislature therefore in this instance had chosen to make use of this term "*Session*," which, as was contended, a more restricted meaning was in general to be applied as descriptive of a mere "*Meeting of the Legislature*." It must therefore be contended in accordance with the rule respecting the construction of Statutes in pari materia, to which he had referred, be presumed that in the subsequent Statutes upon the same subject, they had made use of the term in the same sense—he was therefore justified in holding that the term "*Session*" in the 4 Wm. 4 c. 9 was meant to impart any such "*Meeting of the Legislature*" as the same term used in the proviso to the 1 sec. of the 48 Geo. 3 C. 21 clearly does—and as, therefore, there had been two such Meetings after the 1st May, 1836, the day referred to in 4 Wm. 4 C. 9, and prior to the Imperial Act of 1 & 2 Vic. C. 9, he held that the 48 Geo. 3 c. 21, and the other Acts continuing and amending it had expired with the termination of the first of those Meetings of the Legislature, whether it was or was not a "*Session*" in the restricted sense of the term, or with respect to other temporary acts—such at least was his view of the subject, and unless he should be shaken in it in the course of the debate, upon that view he was at present prepared to vote for the resolutions of his hon. friend from the County of Quebec, being of opinion that the Acts of the Provincial Parliament of Lower Canada for the regulation of the trial of contested Elections are not now in force.

Mr. Boswell expressed his firm desire that the house, if it had or could have the power to inquire into these petitions, should proceed to the investigation. His hon. friend the member for Hastings had endeavored to impress the house with the idea that the legislature of Lower Canada when it passed

the law and introduced the word "session" had not in its mind such a session as the law implies. He joined issue with his hon. friend on this point, for he believed that there were found in that Assembly, as there were in the present one, some of the brightest ornaments of their profession, who would give to the word its natural and legal signification, and that which the good sense of all men would pronounce to be the proper one. It was not meant indeed that it should be a session in which no act was passed bearing signification, but it was meant that some actual business should be transacted, some law passed or revised, and that this act should continue till such a session was held. He would not allude to the other parts of his hon. friend's arguments, because, although the speaker was entitled to great credit for ingenuity, he had taken excellent care to show that he was not prepared to sustain the position taken by the member for Port Neuf. He would now come to the point under discussion. His hon. friend from Hastings had said that the law was not in force. He (Mr. Boswell) should distrust his own good sense and legal knowledge if he did not come to a contrary determination, and assert that the law was in force. The question then was, the act having passed, was it competent in them, as one branch of the legislature, to overrule this law and proceed to the consideration of these petitions? No man was more willing than himself to uphold the constitutional privileges of that body: those privileges had been stated to be so great as not to be defined, and ought not, therefore, to be carelessly interfered with; but on this subject there could be no difficulty at all, and he was bound to say that the Act of Parliament must have a much greater force than single privileges of that house. For what, he would ask, did those privileges amount to, except to the right to inquire into all acts relating to their own elections? The House of Commons in England had found great difficulty in carrying out these privileges, and it had been found under the old laws that these contests were made mere party struggles, and which in reality interfered with the course of justice. The hon. member referred to what was the state of things before the passing of Grenville's act, which was introduced to overcome these difficulties. This act encountered great opposition, and at the time it was complained and concurred in, that its introduction was a breach of the privileges of the house, which had no longer the same extensive powers it had before to inquire into contested elections. It was, however, a compromise: what the house lost on the one hand it regained in the solemnity given to its proceedings, which were henceforward to be conducted in the same manner as before the regular courts of justice. He thought therefore that the position he took was a correct one—the house had given up some of the powers it possessed before in order to obtain more perfect machinery. But it was said that the house still possessed the power to inquire into its own elections. He did not deny it, but the question was, whether in the exercise of this privilege they would not be affording a precedent which might be dangerous hereafter. He who stood by the privileges was a truer friend of the people than he who sought to use power simply because they had it, and in opposition to the law itself. The hon. member then referred to the allegations contained in the petitions. He understood that it was then stated that the executive government had been by itself and agents intefered with the election. He did not deny the right of the House to enquire into such accusations, and even to expel any member who could be proved to hold his seat in consequence of such practice: but if the matter were merely a minor one, in that case he had no difficulty in saying that the petitioners were precluded by the statute when they required that certain recognizances should be entered into, and which had not been complied with. He said, therefore, that they were not in a situation to claim the protection of that house, and that, having allowed the time to pass by, it would be an act of injustice to the sitting members were they to entertain their petitions. An attempt had been made to prove that this delay arose from ignorance on the part of the petitioners, but there was one of those petitions in which it was difficult to suppose that the gentleman concerned could have been ignorant of the l aw, he referred to Mr. Lafontaine.

[Mr. Aylwin denyed that Mr. Lafontaine laboured under ignorance: he knew that the law did not exist.]

If it was contended that he knew that the law did not exist, and was prepared to sustain a doubt on a matter on which he (Mr. Boswell) contended there was no doubt at all, he certainly was not entitled to ask for indulgence at their hands.

(Mr. Aylwin—He asks for no indulgence.) He (Mr. Boswell) put it to the house whether the matter had not been put as an indulgence. (Cries of "yes," "no.") That was the line of argument that had been adopted, though some had gone further and said that justice required that effect should be given to the prayer of those petitions. Now he was prepared to meet this cry of justice. What was the justice asked—what was its nature? Was it just in that Assembly, the first legal body in the country, to depart from law? Was it just to other members whose elections were not contested to depart from law? He would suppose a case in which a party owed a sum of money, had allowed the time settled by the statute of limitations to run out without proceeding for payment; could this person, when before the Judge, avail himself of the plea that he was ignorant of the law? He declared that he had sought to discover arguments for these petitions, but that he had failed to find them. If they passed these resolutions, they might as well go further and extend the time for putting in recognizances at once. For himself, he had no doubt but that the law was in force, and he did not feel himself justified in departing from it.

Mr. Durand referred to the question as one involved in legal doubts and subtleties. and was therefore inclined, as in all other cases of a like nature, to give these doubts in favor of the petitioner, and vote for the resolutions. Justice, he was satisfied, must be done, and in order to arrive at that an opportunity must be afforded of investigation. The petitioners trust to the generosity of the house to afford them justice, and a mere quibble ought not to interfere with their privileges.

Capt. Steele was convinced there was but one course for the house to follow. If the law existed they must abide by it, and they could not introduce any measure to relieve the house from the difficulty it was in. If hon. gentlemen would only divest themselves of all those arguments which only serve to "make worse the better reason," they must arrive at the same conclusion he did, and vote accordingly.

Mr. Johnston would say a few words on the subject, though not many, as those on both sides must be now pretty well prepared, after all that they had heard, to proceed to work like several medical men on the same patient—one to doctor, one to physic, one to bleed. (A Laugh.) He heard several gentlemen talk of justice, and that was all that he wanted, though justice was sometimes principal; but, was it justice to interfere with the seats of sitting Members, when the time had elapsed in which it was considered lawful to do so? He considered that the law was in force, and all that he had heard from his neighbours had not enlightened him more than what he had himself read on the subject. The petitioners said that it was doubtful, and if this was their opinion, it was more incumbent on them to be cautious and place themselves in a safe position. He viewed the attempt as a mere stratagem to embarrass the government, and should therefore set his face against it, and he was sure that his constituents would say that was the honest course.

Mr. Morin denied that there was any desire to embarrass the government, but the question was whether the House was at present properly constituted. His opinion was that the law was not in force, and the unanimous consent of the government went to that point. The law of Parliament and the power of the House had been abridged by the previous law, and it was imperative on them to assert their privileges.

Mr. Sherwood as one who had proposed the delay of this question, thought it necessary to state the opinion he had come to upon it. He had at the time referred to great doubts as to whether the law existed or not, and, had a decision been come to then, should certainly have voted for the resolutions. He had considered the matter well since, and after hearing the arguments on both sides, had come to the conclusion that the law as to Elections in Lower Canada was in force. Still he was willing, as one of the Members of that House, that an investigation should take place into the merits of the petitions, and not all that had been said about *expost facto* laws would deter him from giving every assistance to this enquiry. If a petition for this object was presented to the House, it should receive his most cordial support.

Mr. Small expressed his opinion that by the disallowance of the law, the Act which, not expiring in 1836, was continued to the end of the next Session, was revived, and that no Session had been since held. Although he had come to this conclusion, he was not sure that the truth of these petitions should not be enquired into by the House: he thought, on the contrary, that they ought to be, and if, when the present question was disposed of, no one else would bring forward a resolution for a Committee to enquire into these petitions, he would do so himself.

The Speeches of Messrs. Aylwin, Day, Draper, and Ogden are unavoidably postponed until to-morrow.

Mr. Hincks said that to him this was a very embarrassing question--he had stated so on a former occasion—it was one too, that was not to be summed up in the clause of a Statute. The mere reading of that would not do. The question presented a different, and more important aspect; one of serious consideration, viz., that, by the vote of this House, 150,000 souls were to be virtually disfranchised. The character of the government—the character of this House has involved, and although not a Member of the profession, to decide with legal subtlety on the matter, he was well convinced, he knew, that to do such a thing as this, was wrong. In the lower part of the Province, the general impression was, that the Act was not in force—the question as it was now presented was a stratagem; to get quit of a grave and important matter, but he (Mr. Hincks) would

put it to the House, if there were not good grounds for investigation. He, for one, doubted if the Election took place at all. Hostile armies (so to speak) met to fight instead of electing a Member of Parliament. Although opposed to the gallant Knight (Sir A. McNab) in politics, he (Mr. H.) was glad that that gentleman had come so manfully forward in support of so great a number of her Majesty's subjects; and he felt deep regret and mortification to observe that Members elected as reformers, endeavoured to stifle investigation. As for himself, he asked no indulgence, but simple justice, to satisfy the very general feeling that prevailed on the subject. He had a high respect for many of the hon. gentlemen petitioned against; and should be extremely sorry to see the allegations sustained, but a sense of duty to his country compelled him to vote in favor of the resolutions. A deal had been said by the hon. Member for (Portneuf,) and enough to cause government to court investigation. It had been publicly stated that violence had been done. (Cries of name, name.) He (Mr. Hincks) was not afraid to name—Mr. Driscoll, Queen's Counsel for Montreal. If hon. gentlemen opposite were not afraid of investigation, why not come forward with a law, which would settle the difficulty at once, and forward the ends of justice; but if the government was in opposition, how could a law be got through the other House—(uproar and cries of order, order,)—Messrs. Johnston, Hale, and Moffatt, rose to order. He (Mr. Hincks) thought he was quite in order, and he would reiterate the opinion, that without the support of government, such a measure could not be carried.

With regard to the amount of confidence in her Majesty's government, he for one was not sorry for any thing he had said on a former occasion, when he gave the grounds why he could not support the honorable gentlemen opposite. Hon. gentlemen say that he (Mr. H.) was mistaken, because they were very liberal; now was the time to show that liberality—now was the time to bring forward a measure to test their sincerity, satisfy the country of it, and relieve this House of an embarrassing question—one, that whatever might be the letter of the law—the necessity and justice of investigation is apparent.

Mr. Dunscombe had listened to Mr. Hincks with great attention. That gentleman had asked if he (Mr. Dunscombe) did not not court investigation in regard to his election. He did not court it, but the petition against him was a tissue of lies. It was said many people were killed; was this not a well known falsehood? Again, it was said his election was gained by the efforts of her Majesty's army; was this not equally false? He (Mr. Dunscombe) would invite the attention of the house to such statements. He fancied it would be found out that the dead men were like the Kilkenny cats—there was nothing left of them but their tails, (tales!) (laughter.)

Mr. Harrison could not sit still and hear this called a dry question of law. He (Mr. Harrison) expressed no opinion as regards the truth or falsehood of the allegations against the sitting member, but he must repudiate the idea expressed by the hon. member for Oxford, that the government wished to stifle enquiry, or that this was a test question to try the amount of its liberality. He (Mr. Harrison) thought it would be extraordinary to test this by an act of injustice, which would at all events be the effect of an *ex post facto* law.

Col. Prince was of opinion that the law was in existence. When it was said that 150,000 persons were without representation, this was an argument to arouse our feelings as Britons. But could it be said that the six or eight members who had now the honor to sit in this House, were without a voice in the representation? Had no votes been cast for them? This was a strange and mistaken mode of arguing the question. The petitioners had been charged with ignorance, but he would ask if it could be possible that the gentleman who contended the seat for Terrebonne could be so charged? Many thought that gentleman second to none in the Province, and he (Mr. Prince) thought it was absurd to charge him with ignorance of the law. If injustice had been done, he would not be one to stand forward and countenance it. But he had yet to learn that 150,000 persons were not represented. If hon. gentleman would show proof of this, he would go any length to have so monstrous an evil rectified. There may have been rows, but he would ask if this was not always so?—(Cries of no, no—election for Kingston—roars of laughter.) If individuals had taken proper care and diligence, he (Mr. Prince) thought all these complaints might have been avoided.

The hon. member for Gaspe in fifteen minutes threw more light on the subject than all that had been said since. He had listened attentively to the hon. member for Port Neuf, but he thought he only enveloped the matter in a gossamer veil, which when drawn from it hon. members would look in vain for truth. Seven hours and a half had been spent in discussing the law of a simple question. He (Mr. Prince) could not believe that the hon. member for Port Neuf would stake his reputation as a lawyer on the affirmation of this question. Before sitting down he must remark that he could not take the course of the hon. member for Hastings in believing the allegations true, but must believe those charges are innocent until proved guilty.

Mr. Morrin said the question was, had the members whose seats were contested been actually chosen? He thought not, and that they did not represent one tenth part of the constituency. Mr. Lafontaine from violence could not present himself. From the place the poll was situated there could be no election. It was placed at the most northern part of the county, and to get to it a large forest had to be gone through, and he would ask the house if there had been an honest intention would this have been done? Most certainly not.

Sir A. McNab would vote against the resolution, but nevertheless he hoped the house would do all the justice in its power. In fact, he believed they could not hesitate in doing so, and instigating a full, free and impartial investigation. For this purpose he would move an adjournment; and if this does not take place justice could not be done. [Cries of "No, no."] Without doubt the petitioners had misconceived the law, but a remedy could easily be found. He expected some of the members opposite would have introduced a bill; but as they had not he would do so himself, as it was a matter of vast importance absolutely requiring investigation.

Mr. Merritt entertained doubts and would give the petitioners the benefit of these doubts. He (Mr. Merritt) could not divest his mind of the fact that there must be a large majority in that house in favor of investigation. He thought it right to guard against consequences, and if the other house refused their sanction to a bill, it was the more necessary to do so. The Parliament might yet be dissolved on this very question. If he had any prejudice at all it was in favor of the sitting members. He thought the government ought to bring in a bill to do justice to the petitioners; if they did not, and give the subject the go-by, what would the people of Canada say? what could be inferred but that undue executive influence had been brought to bear on these elections.

ROUTINE BUSINESS.

Monday, July 12.

On motion of Mr. Black the consideration of the 2d Riding York election was postponed to the 27th inst.

Mr. Jones obtained leave to absent himself from the sittings of the Hastings election committee on account of ill health.

Ordered, that the lists of voters objected to at the Niagara election be exchanged before Thursday at 11.

The hour of meeting of the house was changed from two to three for the future.

The following petitions were presented:—By Mr. Jones, that of the clergy and members of the church of England in the Eastern townships, praying for aid to education. By Mr. Armstrong, that of J. Mousseau and others, proprietors of Berthier, for aid to build a bridge over the river Bayonne. By Mr. Moffatt, that of the Medical Faculty of McGill college, for aid to their medical school; of the Montreal Ladies Benevolent Society for £1500 as an aid to build a proper institution for their asylum; of R. Armour and other merchants of Montreal, for the incorporation of their Board of Trade; and of the Board of Trade for a grant of money to improve the channel of Lake St. Peter. By Mr. Hincks, of J. Carroll and other residents of the District of Brock, for the enlargement of the District town. By Hon. Mr. Dunn, of the Bishop of Toronto, clergy, and inhabitants of Toronto, for an aid of £1000 to the House of Industry. By Mr. Morin, of Jacques Viger, of Quebec, 49 years in the Legislative Council office, for a pension; of C. M. Lebrun and other electors of Beauharnois, and of J. S. Lewis, and other electors of the same, against the return of J. Dunscombe. By Mr. Woods, that of Wm. McCrae, and other inhabitants of the Western District, for aid to complete the Tecumseh road. and of M. Traxlar and other inhabitants of Chatham and vicinity in the Western District, to set aside the deeds of the Boundary line commissioners of Chatham; By Mr. Foster of the President and Directors of the Shefford Academy for aid; By Mr. Delisle, of L. Odell and others, censitaires of La Colle, for the abolition of the feudal tenures; and of R. J. W. Rurczyn and other grocers of Montreal for the repeal of the ordinance 4 Vic. c. 42 relating to their licences; By Mr. Small of Eneas Bell of Toronto, for a situation in the House; And of J. B. Warren and others in Whitby, for an act of incorporation to construct a harbour; By Hon. Mr. Killaly, of Asa Schofield and others in the London and Brock districts, for aid to a road. By Mr. Thompson, of the Gore Bank, for an increase of capital. By Mr. Merritt, of D. Quackenbush, of Queenston, for naturalization. By Mr. Watts, of J. Millar and other inhabitants of the county of Drummond, to be united to the Mutual Insurance Company of Sherbrooke and Stanstead. By Mr. Christie, of F. Dugas and others of Carleton and Maria, complaining of the elections being held at New Carlisle only; of F. Dugas and others in the Bay des Chaleurs, for a road between Carleton and Ristigouche; and of J. Meagher and others in Carleton, Bonaventure, for aid to Education. By Mr. Campbell, of Alexander Davidson, of Niagara, for a copyright in favor of his lately published spelling book. By Mr. Roblin, of J. F. Lexmoth, of Kingston, for naturalization. By Mr. Burnet, of the Protestant Female Orphan Asylum of Quebec, for aid. By Mr. Baldwin, of J. O. Carroll, of Belleville, for losses.